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- 4.—(1) One municipality and one union were created. Two municipalities and 46 unions were abolished.
- (2) Proposals for the formation of new municipalities were received from four* districts and those for union boards from five† districts. Sanction was accorded for the constitution of one union board, but it was subsequently abolished. The other proposals were not approved mainly for the reason that public opinion was strongly against them. In some cases one or other of the following reasons prevailed :—
- (1) Impossibility of securing suitable councillors and chairman.
 - (2) Illiteracy and the agricultural nature of the population.
 - (3) The smallness of the extent and the population.

II

COMMUNICATION TO THE COUNCIL.

The SECRETARY laid on the table a copy of the order of the hon. the President delegating his powers under the Standing Orders to the Deputy President.

Order by the Hon'ble the President dated the 26th March 1923.

Under Standing Order No. 79-A, I hereby delegate all my powers under the Standing Orders to the Deputy President, Diwan Bahadur P. Kesava Pillai Avargal, to be exercised by him during my absence from Madras.

P. RAJAGOPALA ACHARIYAR,
President, Madras Legislative Council.

III

THE FINANCE AND RETRENCHMENT COMMITTEES.

The hon. Sir CHARLES TODHUNTER :—“ Mr. President, in lieu of making the usual motion under Resolution No. 17 passed at the meeting of the 1st April 1921, I beg to make the motion standing in my name on the notice paper, namely—

That the Council do request the existing members of the Finance and the Retrenchment Committees to continue in the exercise of their functions.

These, as the Council are aware, are not statutory committees, although a majority of their members are elected by the House. The reason for which I make the suggestion that they should continue is that the members of the Finance Committee, having been constituted at the instance of the House into members of the Retrenchment Committee, are now in the midst of a very far-reaching enquiry, and it is important that they should continue without a change of personnel, which might involve the recommencement of a part or the whole of it. This is so in the case of the Retrenchment Committee only. As regards the Finance Committee, there is no reason why we should not elect the committee as usual, and I am quite ready to make a motion to that effect if such is the wish of the House; but it seems hardly worth while to do so since the amount of work that is likely to fall to be done

* South Kanara, Ramnadi, Salem and Vizagapatam.

† Coimbatore (Audiyur), Guntur, Tanjore, Chingleput and Madura.

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before the election is very small. Meanwhile, I observe from questions received that hon. Members are beginning to be very critical of expenditure on committees; and if we continue the Retrenchment Committee, we shall be acting in the interests of economy if we ask the same committee to deal with any questions requiring reference to the Finance Committee that arise between now and the elections.

“Without anticipating the discussion that is to take place on the amendment that is being put forward to this motion, I need hardly say that a permission implies a request and that the last thing that I intend to imply by my present motion is that the members of the Committee are seeking a continuance of office. I am sure that every one of them would welcome—just as I would welcome—relief from an onerous and unpopular task. We have held over 50 sittings already and are likely to be sitting almost continuously throughout April; and while I feel that the House owes a great debt of gratitude to these gentlemen for the way in which they have given their time and their talents to its service, I feel also that, if any opposition is to be expected to my motion, it is likely to come from the members of the Committee themselves.

“I may say, in conclusion, that I do not propose to make a similar motion in connexion with the Public Accounts Committee at present, because the statutory rule relating to the same requires it to be appointed after the opening of the financial year, and the Audit and Appropriation Reports which are required to be laid before it are not expected to be ready till about the end of the year 1923. In these circumstances, I think the best course will be to postpone the appointment of this Committee to a date after the general election.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—“I beg to second the motion.”

The RAJA OF RAMNAD:—“May I ask for information as to whether the Retrenchment Committee is not the same Committee as the Finance Committee? When a proposal was made for the constitution of a Retrenchment Committee, it was suggested on behalf of the Government that the Finance Committee itself could constitute the Retrenchment Committee. But now, the hon. Member has been speaking of two different committees, the Finance Committee and the Retrenchment Committee. I want to have clear information on the matter.”

The hon. Sir CHARLES TODHUNTER:—“The Retrenchment Committee is the Finance Committee with power to co-opt members for particular subjects.”

The motion was put and carried.

IV

FURTHER DEMANDS FOR GRANTS BY MEMBERS OF THE GOVERNMENT FOR 1923-24.

The hon. Sir CHARLES TODHUNTER:—“Mr. President, though the additional demands which are now being put forward have been fairly fully explained already in the memorandum which has been circulated, I may perhaps be permitted to make a brief statement upon the general financial position.

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"The deficit we originally anticipated was Rs. 52 lakhs. By the time of the presentation of the Budget that had been reduced to Rs. 40 lakhs. As a result of the voting on the Budget and of the reductions made by the Government, it has now come down to Rs. 21 lakhs. But if the additional grants that are now to be moved are sanctioned, it will be raised again to Rs. 26 lakhs.

"We asked the Government of India at the outset for permission to borrow up to Rs 200 lakhs. The most they would agree to was Rs. 125 lakhs, which was to provide for a deficit of not more than the estimated figure of Rs. 52 lakhs. The reduction of the deficit renders it possible for us to provide more money for productive loans.

"And this explains why we have provided for Rs. 10 lakhs of new expenditure on irrigation and on loans to the Corporation for a town-planning scheme and for the development of a harbour at Tuticorin.

"Of the other demands now put forward, a great majority are for the purpose of straightening out matters as a result of votes in the Council. One or two supply omissions in the Budget. Of this nature are the provision for a commercial accountant, the provision for the purchase of a veterinary hospital, the additional provision for expenditure from revenue on the University and the provision for plague police which has been urged upon us by a large number of local bodies. I understand that disappointment has been expressed in some quarters that we have not been able to make more provision for new schemes for what is commonly known as nation-building. As to that, I can only say that, although the deficit has been largely reduced, it still stands at no mean figure and I think I shall have the House with me when I say that our first duty is to make revenue and expenditure balance. But I should like to add that the Retrenchment Committee are busy with schemes to that end and that my hon. colleagues, the Ministers, are ready with proposals for new expenditure to deal with any surplus that may appear. The most important of these is that for the opening of the Vizagapatam Medical College, and I do sincerely hope that we shall be able before very long to find funds by reappropriation from savings which will enable us to convert that scheme into a reality."

Demand XXXVIII—Land Revenue.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Sir, I beg to move—

That the provision of Rs. 4,200 for leave allowances under 'Professional Survey Parties—Government villages' be omitted and that a provision of Rs. 4,200 may be made for a leave reserve officer.

This demand for Rs. 4,200 is to rectify an error which has unfortunately crept in the Budget for 1923-24. I do not practically ask for any additional sum of money being placed at my disposal. For, the money is there already in the Budget as sanctioned by the House. But it is merely a transposition, so to say, from one place to the other which this motion is intended to carry out. The effect of leaving the item where it is would be that the permanent cadre of the Survey Department which now stands at 14 officers will be reduced by one, and one of the officers will therefore have to be reduced. It has not been the intention of the Government to do so; it was not the intention of the Finance Department when they made this wrong

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entry, nor is it the intention of the House to bring about a reduction in the permanent cadre. It is merely a matter of account business and I hope the Council will sanction it."

Rao Bahadur C. V. S. NARASIMHA RAJU moved—

To omit the allotment of Rs. 4,200 for a leave reserve officer.

In doing so, he said:—"Mr. President, if I understand the hon. Sir Habib-ul-lah Sahib correctly, as the figures now stand in the Budget the permanent cadre is to be reduced by one. This House has voted against the reserve officers in the year 1922-23, and I am not aware whether it has ever since voted for any leave reserve officers. When it was not provided for last year, I am not able to understand the reason why it should be provided for this year. How was it possible for this particular department to go on with the old cadre without any leave reserve staff last year, if this year they cannot manage without any reserve staff? I do not therefore see any reason why they should not manage without any leave reserve officers during the year to come."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Perhaps my hon. friend in front of me has not been quite satisfied with the explanatory memorandum that has been attached to this note. If he will be good enough to refer to page 37 of the budget for 1922-23 that was put before the House he will notice that in the year 1922-23 there was a provision for four Assistant Directors of Survey in the Central Survey office. The necessity for these four officers, I may at once explain, was that two of them were intended to be in charge of the Central Survey office and the other two were intended as leave reserve, a leave reserve which had received the sanction of the Secretary of State. This sanction was accorded in the year 1919, and has been in force since then. But when the budget for 1922-23 came up before this House for discussion, a motion was tabled for the reduction of the four to three, and that motion was carried. At that time, Sir, it was distinctly stated by the House that the three should be divided into two for the Central Survey office and one for the leave reserve. So, therefore, during the year 1922-23 we have had three officers as against four which was entered in the budget for 1922-23. Of these three we are utilizing two for the Central Survey office and one as leave reserve. For the next year, i.e., 1923-24, we ought to have entered in the budget the same three, two for the Central Survey office and one for leave reserve. But as I have already pointed out, by a printer's devil, if I may say so, Sir, the provision entered for the Central Survey office on page 34 of the budget for 1923-24, in the column 'Numbers', is '2' instead of '3' for 1922-23 as was finally sanctioned by the House; and '3', as was indicated, ought to be automatically carried forward for 1923-24. The printer's devil was '4' and '2' for 1922-23 and 1923-24 which ought to have been '3' and '3'. But the Finance Department have however made a lump provision of Rs. 4,200 on page 35 of the budget to cover any officer going on leave. But that would be only by a temporary arrangement. It cannot be that the leave reserve can be regarded as permitting the Government to add to the cadre. Any man for whom this leave reserve is utilized can only be an acting man in that cadre and he cannot be added permanently to that cadre. So, the inevitable consequence has been that instead of 14 permanent officers for the Survey

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department of whom one is intended to fill the place of the leave reserve we have been given only 13 in the budget for 1923-24 and one has disappeared, although there is money for him in the budget. I therefore merely ask that this sum of Rs. 4,200 which finds a place on page 35 be transferred to page 34 in the Central Survey office and that in lieu of '2' which is a clerical error so far as 1923-24 is concerned, the figure '3' be substituted."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" I withdraw my motion."

The motion was by leave withdrawn.

The Demand was put to the House, and passed and the grant was made.

11-15 a.m. The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH
SAHIB Bahadur :—" Sir, I beg to move—

That the Government be permitted to appropriate the sum of Rs. 13,000 from the revenues of 1923-24, under Land Revenue, as appearing on page 2 of the memorandum.

The reasons which have justified this demand are given in an explanatory note attached to the demand. It is not my intention, nor is it my purpose at this juncture to discuss the merits of the question in regard to the grant of allowances to the officers of the various departments specified in this note. The House has been told that the question of allowances was engaging the attention of the Retrenchment Committee who were deputed to investigate it. They have quite recently completed their labours and have placed in the hands of Government five very interesting and exhaustive volumes for orders. They have given us the benefit of their opinions with regard to the general principles which should in future guide the Government in regard to the grant of allowances, and how these allowances can be co-ordinated between department and department if given for like and similar purposes. They have attached schedules to their report showing the allowances which from their standpoint and the principles they have discussed ought to be sanctioned. They have also attached schedules indicating the allowances which in their opinion should be discontinued; they have suggested changes in the nomenclature of some of the allowances in vogue in this province at the present moment; and they have finally suggested reduction in the amounts of some allowances. These are all rather stupendous tasks to be performed within the brief period at the disposal of the Government, because it was only last week that we received these five volumes, and we have been busy with the Legislative Council meetings, and we hope to be busy for five days more. This report needs a careful reading, consideration and decision. Pending that consideration and decision, it seemed to Government that it would be rather not only inequitable but undesirable that some of the officers employed should forthwith forego their allowances, while others still continue to enjoy them. Nor would it be right on the part of the Government to issue anything like an interim order stopping all allowances without having investigated into their merits as has been done by the Retrenchment Committee and without coming to any decision on the matter. As soon as we arrive at our conclusions on that report, we hope to inform the House of the same. But we are aware that the House will not be meeting for

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another four or five months. Therefore it has been considered that I might ask the permission of the House to sanction these allowances on a temporary basis for a period of five months, so that when the final decision of the Government is known to the House, they may probably give us such advice as they may consider expedient under the circumstances. In any case I ought to have come up before the House for the grant of at least one month's allowances, namely, that of March, for the allotment in respect of March is included in the allotment which the House eliminated by a vote. Now when I had to come up before the House for the allowances of March, I was confident that if I explained the circumstances to the House and pleaded on behalf of the poor subordinates of mine who necessarily look to me to safeguard their interests in this House and just showed how inequitable it would be that some of the officers should continue to get their allowances while others should be deprived of the same, the House would grant the money. Now I have ventured to come up before the House with a motion that the allowances for five months only may be sanctioned on a temporary basis, and when the final question is decided, these as well as all others will certainly be governed by one common rule."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Mr. President, the question of these allowances stands on quite a different footing from the previous motions for supplementary grants. The first Budget grant did include the various items under these heads, and this House by a large majority voted against every one of these items. My first objection is that it is not in order for the Government to move for grants regarding the same items that were already voted against, in the same session."

The hon. the PRESIDENT :—" What is the Standing Order which the hon. Member relies upon ? "

Rao Bahadur C. V. S. NARASIMHA RAJU :—" It is Standing Order No. 30, Sir, which says :—

A motion must not raise a question substantially identical with one on which the Council has given a decision in the same session."

The hon. the PRESIDENT :—" Is it contended by the hon. Member that these allowances, that is, the special pay of Deputy Collectors employed on revision of *adangals*, the special pay of Special Assistant Settlement Officers, the special pay of the Assistant Director of Survey, Controlling Office, and the charge allowance of Assistant Directors in charge of Survey parties, that every one of these questions has been decided by the vote of the House ? Is that the hon. Member's contention ? "

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Yes, Sir."

The RAJA OF RAMNAD :—" I understand, Sir, that the same question was raised previously, and a ruling was given to the effect that it was permissible to bring forward such supplementary grants."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Then, the question of the same session did not arise. But now, the question of the session being the same arises. That differentiates the question on which a ruling was given from the point now raised by me."

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The hon. Rao Bahadur K. VENKATAREDDI NAYUDU :—" May I just mention one thing, Sir? It was only yesterday I think that the Finance Bill regarding salt duty was reintroduced in the Imperial Legislative Assembly, after it had been rejected by that House. I take it that when it is a case of reduction or revision and when the Government come forward to place a certain matter for the reconsideration of this House such a question can come in."

The hon. Sir CHARLES TODHUNTER :—" May I submit, Sir, that this is a question that was discussed at some considerable length, I think, two years ago, when it was thought here that the only way of effecting reconsideration was by certification. In Bengal, the Police grant was deliberately referred back, and the identical grant which had been rejected was voted by the Council. At the same time, I should like to point out that this is not an identical motion. The motion that the Council voted upon was to the effect that they disallowed the allowances for the year. But the question that is being put forward now is that they should allow the existing arrangements to continue until the Government have had time to pass orders on the Retrenchment Committee's report. If it is held that a motion disallowing a payment, disallows it entirely, it would mean that an officer whose pay has been so disallowed is not allowed to draw his pay for the month of March at all. So that, when the House disallows a whole year's provision, it will be disallowing the pay of the officers for a month during which they have actually worked."

The hon. the PRESIDENT :—" Do the Government admit that these items in Demand No. XXXVIII, (a) to (d) have been voted on by the House?"

The hon. Sir CHARLES TODHUNTER :—" The larger amount of which the amount of the present demand forms a part, was voted on by the House. The present motion is intended to put right the results of that vote."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" The House voted on the full amount for the full year, Sir."

The hon. Sir CHARLES TODHUNTER :—" May I submit that the total amount that was disallowed included the pay that had already been earned by these officers, namely, the pay for the month of March, and the Council would have hardly intended to disallow the pay for the month of March?"

The hon. the PRESIDENT :—" So far as March is concerned, I believe last year we adopted the principle that any decision of the House on the Budget could only operate from the 1st of April following, and the House was prepared to grant such supplementary demands as might be necessary to enable the officers to be paid for the month of March. I think we decided that question last year. But I understand that the hon. Member's point now is that he does not want the decision of the House to come into operation till the Government reconsider the whole question in the light of the recommendations of the Retrenchment Committee, which would take about four or five months. Therefore, he wants that the pay for five months may be sanctioned. Do I understand the hon. Member rightly?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Yes."

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The hon. the PRESIDENT:—"Then, this Standing Order No. 30 comes into operation, namely:—

A motion must not raise a question substantially identical with one on which the Council has given a decision in the same session.

It is only a few days ago that the Council decided that the Deputy Collectors employed on revision of adangals, the Special Assistant Settlement officers, the Assistant Director of Survey, Controlling Office and the Assistant Directors in charge of Survey Parties, do not need special pay. That decision may or may not be right, and I have nothing to do with that. But that decision having been arrived at by the House, can we go back upon it?"

The hon. Sir CHARLES TODHUNTER:—"May I submit, Sir, that the question now in issue is not whether the pay should be granted or not, but whether the existing arrangements should be continued until a decision is come to by Government. I may also submit that motions of this class have been allowed by this Council and by other Councils."

The hon. the PRESIDENT:—"Is there a precedent in this Council for revising a vote like that within the same session?"

The hon. Sir CHARLES TODHUNTER:—"Yes, Sir."

The hon. the PRESIDENT:—"Will the hon. Member quote that precedent?"

The hon. Sir CHARLES TODHUNTER:—"I shall let you know presently, Sir."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, I am afraid that my hon. friend is slightly under a misapprehension. What my hon. friend stated in reference to certain motions which came up last time was this. Having accepted the decision of the House, he said that he would like to have a grant to perform,—to use his words—the funeral or the obsequies of the departments which had been abolished for the month of March; and that was the reason why he wanted a supplementary grant, on the footing that the department was to be abolished or that the decision of the House was to be accepted. He wanted only a temporary demand, and he put it up before the House for the purpose of winding up the affairs of the department. On that footing, there could be no objection to any supplementary grant. That meant giving effect to the resolution of the House. But in this case, Sir, as you have already pointed out, I do not think any hon. Member would like to deprive these officers of their pay for the month of March, and obviously the budgetary arrangement can only come into force from 1st April."

The hon. the PRESIDENT:—"I assume that the motion tabled by Mr. Narasimharaju is with the object of giving them the allowance for the month of March, but of depriving them of that allowance for the succeeding four months."

Rao Bahadur C. V. S. NARASIMHARAJU:—"Yes, Sir."

The hon. Sir CHARLES TODHUNTER:—"As this point of order has been sprung upon us suddenly, I confess I am not able to meet it now by quoting precedents. I would therefore request your permission to adjourn all the supplementary demands to Thursday the 29th March so that we may, in the meanwhile, examine the question raised."

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The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I beg to second the motion."

The hon. the PRESIDENT :—" I reserve my decision on the point of order till the matter again comes up."

The motion that the further consideration of the demands be adjourned to 11 a.m. on Thursday the 29th March 1923, was put to the House and carried.

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Sir, I beg to submit that there are certain demands which do not rest on this question at all. They may be taken up now."

The hon. the PRESIDENT :—" The House having already decided that the various items should be adjourned to the 29th, there is really nothing more to be said on the point."

V

THE MADRAS HINDU RELIGIOUS ENDOWMENTS BILL, 1922.

Clause 5—cont.

Sub clause (9).

(Amendment No. 39.)

Rao Sahib U. RAMA RAO :—" Sir, I beg to move—

For this sub-clause substitute the following :—

'(9) " Person having interest " means in the case of maths the disciples of the maths, and in the case of temples, a person who has a right of attendance at the performance of worship or service in any temple or who is in the habit of attending such performance or of partaking in the benefit of the distribution of gifts thereat.'

" Sir, in the Bill as it stands now, the *maths* and temples have been mixed up. In the case of maths only, the disciples of the maths are interested, whereas in the case of temples, persons who have the right of attendance at the performance of worship or service may be called ' persons having interest.' In order to make this clear, I beg to move my amendment."

The hon. the RAJA OF PANAGAL :—" Sir, this question was discussed at the Select Committee stage and it was thought that a definition on the lines suggested by my hon. friend, Dr. U. Rama Rao, might not cover the cases of maths which had no disciples. It was pointed out that there were maths without disciples, and hence, in order to cover all those cases, the definition was widened."

Rao Sahib U. RAMA RAO :—" I think that the maths having no disciples must be exceptions to the rule. As far as I know, every math has got its own disciples. Unless it is distinctly laid down that in the case of maths, only disciples have got interest, I am afraid a lot of complications are sure to arise. As I am not satisfied with the explanation offered by the hon. Minister, I wish to press my motion to a division."

The amendment was put and lost.